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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,010

06/22/2005

Michael Kuhn

48728

6386

1609

7590

09/05/2006

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EXAMINER

LOPEZ, FRANK D

ART UNIT

PAPER NUMBER

3745

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/540,010	Applicant(s) KUHN ET AL.	
	Examiner F. Daniel Lopez	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-6, 8 and 10 is/are rejected.
- 7) ☐ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/22/05</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

Claims 3 and 4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 line 2-3 "the pressure compensation means (50) is mounted in a parallel connection (48) to the two valve units" appears wrong, since the two valve units don't have any connections in common.

In claim 4 line 3 "preferably" is confusing, since it is unclear whether the limitation following "preferably" is part of the claim's limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8 and 10, inasmuch as they are definite, are rejected under 35 U.S.C. § 102(b) as being anticipated by A'Hearn et al. A'Hearn et al discloses a suspension device comprising a working cylinder (16) having a piston side (connected to 18) connected to an input side of a first valve unit (50) and a rod side (connected to 20) connected to an input side of a second valve unit (47); with an accumulator (42) and tank (23) connected to output sides of the first and second valve unit, respectively; and a pressure compensation device (56) which, when actuated, equalizes the pressure in the working cylinder and the accumulator; wherein inputs of the compensation device are connected to input and output sides (by 86, 88) of the first valve unit; and wherein an output side of the compensation device is connected, via a choke (in the valve), to a third metering valve (94), which has an output connected to the tank.

Claims 1-3, 5, 6 and 8, inasmuch as they are definite, are rejected under 35 U.S.C. § 102(b) as being anticipated by Vigholm. Vigholm discloses a suspension device comprising a working cylinder (4) having a piston side (14) connected to an input

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side of a first valve unit (22) and a rod side (16) connected to an input side of a second valve unit (18); with an accumulator (8) and tank (20) connected to output sides of the first and second valve unit, respectively; and a pressure compensation device (46, 82) which, when actuated, equalizes the pressure in the working cylinder and the accumulator; wherein inputs of the compensation device are connected to input and output sides (by 88, 90) of the first valve unit; and wherein an output side of the compensation device is connected, via a choke (40), to a third metering valve (42), which has an output connected to the tank.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-6 and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Hatcher et al in view of Vigholm. Hatcher et al discloses a suspension device comprising a working cylinder (16) having a piston side connected (via 18) to a first input side of a first valve unit (38) and a rod side connected (via 20) to a second input side of the first valve unit; with an accumulator (32) and tank (23) connected to first and second output sides of the first valve unit, respectively; and a pressure compensation device (54) which, when actuated, equalizes the pressure in the working cylinder and the accumulator; wherein inputs of the compensation device are connected to input and output sides (by 56, 58) of the first valve unit; but does not disclose that there are two valves, one valve connecting the first input and first output and a second valve connecting the second input and second output.

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Vigholm teaches, for a suspension device comprising a working cylinder (4) having a piston side (14) connected to an accumulator (8) and a rod side (16) connected to a tank (20), by a valve system; that the valve system includes two valve units, wherein the piston and rod sides are connected to input sides of first (22) and second (18) valve units, respectively and the accumulator and tank are connected to output sides of the first and second valve unit, respectively.

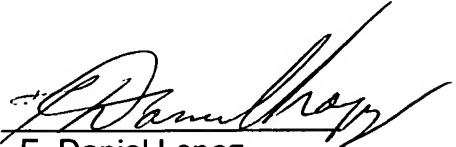
Since the valving connecting the cylinder to the accumulator and tank of Hatcher et al and Vigholm are interchangeable in the suspension device art, it would have been obvious at the time the invention was made to one having ordinary skill in the art to use two valve units for the first valve unit of Hatcher et al, wherein the piston and rod sides are connected to input sides of first and second valve units, respectively and the accumulator and tank are connected to output sides of the first and second valve unit, respectively, as taught by Vigholm, as a matter of engineering expediency.

Conclusion

Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez
Primary Examiner
Art Unit 3745
August 30, 2006